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**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Gibraltar

## Working paper prepared by the Secretariat

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*Note*: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter as well as information provided by the Government of Spain and that available in public sources, including those of the territorial Government. Information was transmitted by the administering Power on 10 January 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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# I. General

1. Gibraltar is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. According to the administering Power, the basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory; sovereignty over Gibraltar was ceded to the United Kingdom by Spain under the Treaty of Utrecht in 1713, with territorial waters flowing from sovereignty over the land. For its part, Spain claims that, under article 10 of the Treaty, it ceded only the city and castle of Gibraltar, its port, defences and fortresses. Against the backdrop of its long-standing appeal to Spain and the United Kingdom to hold talks on the question of Gibraltar (see resolution 2070 (XX), adopted on 16 December 1965), in 2013 the General Assembly, among other things, urged the Governments of Spain and the United Kingdom, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question, in the light of the relevant resolutions of the Assembly and applicable principles, and in the spirit of the Charter of the United Nations (see sects. VII and VIII below).

2. The Territory is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus approximately 1.6 km long. The Spanish port of Algeciras lies 8 km across the bay to the west, and the continent of Africa is situated 32 km across the Strait of Gibraltar to the south. According to the administering Power, the area of Gibraltar is 5.8 $km^2$; according to Spain, which claims sovereignty over the Territory, it is 4.8 $km^2$. Issues relating to the isthmus and waters off Gibraltar continue to be a subject of contention.

3. According to the administering Power, in 2012 the population of the Territory was approximately 30,000. The currency of the Territory is the Gibraltar pound, circulating at par with the pound sterling. The Territory's main trading and commercial transactions are with European countries, the United States of America and North African countries. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

# II. Constitutional, legal and political issues

4. Under the Gibraltar Constitution Order 2006, the Governor of Gibraltar, Lieutenant General Sir James Benjamin Dutton, has represented the British Crown in the Territory since December 2013. The Governor is responsible for the conduct of external affairs, defence, internal security (including the police, in conjunction with the Gibraltar Police Authority) and for certain appointments to public office as conferred on him by the Constitution. Following an election, the Governor, at his own discretion, appoints as Chief Minister the elected member of the Parliament who, in his judgement, is most likely to command the greatest measure of confidence of his peers. Other ministers are appointed by the Governor, acting in accordance with the advice of the Chief Minister, from among the elected members of the Parliament. Under the Gibraltar Constitution, the British Crown retains legislative power to make laws from time to time for the peace, order and good government of Gibraltar. The Constitution also makes provisions regarding Crown lands in Gibraltar.

5. Gibraltar has a supreme court allowing for appeals to a court of appeal and subsequently to Her Majesty in Council, acting on the advice of the Privy Council.

6. According to figures from the territorial Government, the Gibraltar Socialist Labour Party/Gibraltar Liberal Party alliance headed by Fabian Picardo won the general elections held on 8 December 2011 with approximately 49 per cent of the votes, against 47 per cent for the Gibraltar Social Democrats. The next election is expected to be held in 2015.

7. In June 2004, after a 10-year campaign to exercise the right to vote in European elections, Gibraltarians took part in European parliamentary elections, based on the fact that they were considered by the administering Power, for electoral purposes, to be part of the south-west England region.

8. The Government of Spain maintains the position that the 2006 Constitution does not affect the international capacity of Gibraltar; that its adoption was a reform of the colonial regime, which remains unaltered; and that it did not affect in any way the pending decolonization process of Gibraltar, to which the principle of territorial integrity applies, not that of self-determination. In this context, the Government of Spain stresses that the participation of Gibraltar in any international instrument must be made through the United Kingdom as the administering Power responsible for the international relations of the Territory, including in the fields of international financial services, human rights and the environment.

9. For its part, the United Kingdom believes that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoys the individual and collective rights accorded by the Charter. The administering Power is clear that the 2006 Constitution sets out the relevant competences for the Governments of the United Kingdom and Gibraltar.

## III. Budget

10. According to information provided by the administering Power, as at March 2013 the revenue of the territorial Government was £486 million and its expenditure stood at approximately £371 million. The territorial Government approved £54 million in expenditure on capital projects for 2013-2014, to be funded through the Improvement and Development Fund. The highest possible rate of effective personal tax in Gibraltar is 30 per cent, with the company tax rate at 10 per cent. The Territory's tax regime has become a cause of concern in the context of European Union legislation.

## IV. Economic conditions

### A. General

11. Gibraltar has no known natural resources and lacks agricultural land. The economy has increasingly focused on tourism and the provision of financial services, including banking, insurance, shipping and portfolio management, in addition to online gaming. According to information provided by the administering Power, the gross domestic product of Gibraltar grew to approximately £1.138 billion in 2011-2012, with an estimated gross domestic product per capita of £38,000.

12. Before 1980, the economy was largely dependent on expenditure by the Ministry of Defence of the United Kingdom. According to the administering Power, the situation changed dramatically over the years as United Kingdom military spending went from accounting for 60 per cent of the Gibraltarian economy to accounting for less than 6 per cent. In 2013, the Ministry employed some 600 people out of a workforce of about 20,000.

## B. Trade

13. In 2012, the Territory's total imports amounted to approximately £2.286 billion. Some 31 per cent of non-fuel imports originate from the United Kingdom, with other sources including Germany, the Netherlands and Spain. The Territory's total exports for 2012 were approximately £1.908 billion. Exports continued to be mainly re-exports of petroleum and petroleum products supplied to shipping.

14. In this connection, in 2013 the Government of Spain repeatedly denounced the alarming rate of supplies of fuel taken at sea from tanks on ships from Gibraltar (a process known as "bunkering") as a serious environmental hazard in such a transited area as the Strait of Gibraltar.

15. For its part, the Government of the United Kingdom notes that the bunkering industry in Gibraltar is a well-regulated and legal commercial activity that meets the marine pollution regulations of the International Maritime Organization and has a strong environmental record.

## C. Banking and financial services

16. According to the administering Power, Gibraltar has a well-developed private financial sector that is regulated by the Financial Services Commission, while the Gibraltar Finance Centre is responsible for the marketing and promotion of international financial services. By the end of 2013, the Territory had signed 27 tax information exchange agreements. Eighteen banks operate in Gibraltar. In 2013-2014, the United Kingdom extended to Gibraltar the Multilateral Memorandum of Understanding concerning Consultation and Cooperation and the Exchange of Information of the International Organization of Securities Commissions.

## D. Transportation, communications and utilities

17. Enhancements to road transportation arrangements in and out of Gibraltar were agreed upon at talks held in Córdoba, Spain, in 2006. They included the introduction at the fence/frontier of lanes in both directions, and red and green channels for both people and vehicles. Customs and police checks remain necessary, given that Gibraltar does not belong to the European Union Customs Union. Moreover, the United Kingdom (and thus Gibraltar) does not belong to the Schengen area for external border control purposes.

18. According to the administering Power, since 26 July 2013, following the laying of an artificial reef for environmental purposes by the Government of Gibraltar, the Government of Spain has imposed disproportionate and time-consuming checks at the border between Gibraltar and Spain, leading to delays of up to seven hours.

19. For its part, Spain stresses that the checks at the fence are in no manner politically motivated and are carried out only to ensure strict compliance with Spanish and European Union legislation, in accordance with the principles of randomness, proportionality and non-discrimination. The checks are essential for Spain to fulfil its obligations vis-à-vis the whole of the European Union and are especially necessary taking into account that in the area illicit trafficking of different sorts is common (see para. 31 below) and that Gibraltar is neither in the Schengen area nor in the European Union Customs Union. Moreover, Spain underlines that the police and customs checkpoint at La Línea de la Concepción (the fence) does not correspond to the demarcation of the border recognized by Spain in accordance with the Treaty of Utrecht (see para. 1 above).

20. The United Kingdom continues to be responsible for all international obligations relating to aviation safety and security in respect of the airport, a military airfield available for civilian flights, with the Ministry of Defence retaining ownership of and operational responsibility for the military aviation aspects of the airfield. According to the administering Power, legislation enacted by the Gibraltar Parliament provides for civil aviation safety and security, making civil aviation a responsibility of the Government of Gibraltar. Such responsibility continues to be rejected by Spain. Spain holds the position that the occupation by the United Kingdom of the isthmus on which the airfield was built is illegal and that it does not comply with public international law because it is not included among the areas ceded by the Treaty of Utrecht. For its part, the United Kingdom is confident that its sovereignty over the whole of the territory of Gibraltar is based on the Treaty of Utrecht and continuous possession over a long period of time.

21. The Strait of Gibraltar is a principal water route; the Territory's port facilities are used by many long-distance liners and cargo ships. According to the United Kingdom, it applies a 3-mile area for British Gibraltar territorial waters (or less where the median line with other territorial waters applies), in line with the United Nations Convention on the Law of the Sea. According to Spain, it exerts its sovereign rights and jurisdiction over its territorial waters, including all maritime areas around Gibraltar (with the only exception being its port facilities).

22. The administering Power regularly protests to the Government of Spain about illegal incursions into British Gibraltar territorial waters by Spanish State vessels, citing violations of article 19 of the United Nations Convention on the Law of the Sea, on the meaning of innocent passage, and of the Convention on the International Regulations for Preventing Collisions at Sea, under which power-driven vessels are required to show lights between sunset and sunrise.

23. For its part, Spain states that what the United Kingdom describes as "illegal incursions" by Spanish vessels are routine activities of its ships in Spanish waters (see para. 1).

## E. Tourism

24. In 2012, the tourism sector recorded an increase to almost 12 million visitors. Arrivals by land comprise mainly day visitors arriving from Spain; arrivals by air are primarily tourists from the United Kingdom; and arrivals by sea include visitors arriving by ferry from Morocco and on day trips from cruise ships.

# V. Social conditions

## A. Labour

25. As at October 2012, there were approximately 21,500 employee jobs in the Territory, including, from the largest industrial sectors, some 2,000 jobs in building and construction, more than 3,100 in banking and finance, more than 2,800 in gambling and betting and almost 3,000 in the retail trade. The unemployment rate stood at 3.7 per cent of the workforce.

## B. Social security and welfare

26. The social security and welfare sectors in Gibraltar continue to be governed by various social security acts, as mentioned in previous working papers, covering areas such as employment injury, disablement and industrial death benefits, maternity grants and allowances, death grants, old age pensions, survivor's benefits and guardian's allowances.

## C. Public health

27. The Gibraltar Health Authority, a department of the territorial Government, is responsible for providing health care in the Territory, which during 2012-2013 had no infant mortality. The territorial Government continues to deal with the needs of the elderly.

## D. Education

28. Education in Gibraltar is free and compulsory for children between 4 and 15 years of age. The language of instruction is English. Public education comprises 11 primary and two secondary schools, in addition to the Gibraltar College of Further Education and the Vocational Training Centre, serving more than 5,000 students. The Territory's literacy rate is assumed to be nearly 100 per cent.

29. Government expenditure on education during the year ending in March 2013 was almost £34 million, with expenditure on improving school buildings in the region of £2 million. Students who obtain a place at a university in the United Kingdom are entitled to scholarships from the Government of Gibraltar. According to the territorial Government, in 2012-2013, 833 students attended universities in the United Kingdom.

## E. Crime and public safety

30. Law enforcement in the Territory is the responsibility of the Royal Gibraltar Police, in conjunction with the Gibraltar Police Authority. The Governor has overall, ultimate responsibility for the integrity, probity and independence of policing in Gibraltar and for the policing aspects of national security, including internal security.

31. The 2012-2013 annual report of the Gibraltar Police Authority indicates that the figures for overall recorded crime dropped by 18 per cent for the period under review to approximately 3,700. This reduction is across all crime sectors, including serious crimes, drug-related crimes and traffic offences. In 2012, a Gibraltar Police Authority survey identified tobacco smuggling as an issue to be addressed in police planning. According to figures provided by Spain, tobacco smuggling originating from the Territory increased by 213 per cent between 2010 and 2012, reaching in 2013 a total of almost 1 million packs of cigarettes.

32. According to the administering Power, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, a convention under the auspices of the Organization for Economic Cooperation and Development, has been extended to Gibraltar. Focused on the supply side of the bribery transaction, it establishes legally binding standards to criminalize such bribery and provides for a host of related measures to make this effective.

### F. Human rights

33. The following major international human rights instruments apply in Gibraltar: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitution of the Territory includes a chapter on the fundamental rights and freedoms of the individual. At the request of the Government of Gibraltar in 2013, the United Kingdom is in the process of extending the Convention on the Elimination of All Forms of Discrimination against Women to the Territory.

## VI. Forum for Dialogue on Gibraltar

34. Negotiations between the United Kingdom and Spain on the subject of Gibraltar led in 2004 to the establishment of the Forum for Dialogue on Gibraltar. Since 2010, no meetings have been held. In 2012-2013, the United Kingdom expressed the desire to continue with the Forum and, as an alternative, offered an informal, ad hoc dialogue involving, as appropriate, all relevant parties to the issues under discussion. While accepting that the establishment of ad hoc groups involving all relevant parties might be an appropriate manner to deal with some specific issues under discussion, Spain expressed the position that the Forum no longer exists and should be replaced with a new mechanism for local cooperation in the interest of social well-being and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar are represented.

35. For its part, the Government of the United Kingdom suggested ad hoc talks in April 2012, with a flexible format for discussions to accommodate Spanish concerns on representation, enabling an impasse on lateralisms to be put to one side. As at February 2013, the United Kingdom was awaiting confirmation that the Government of Spain was willing to pursue dialogue on those terms. In that regard, the Government of Spain points out that it has accepted the format and is endeavouring to reach an agreement with the Government of the United Kingdom on the terms under which the ad hoc talks would be carried out.

# VII. Future status of the Territory

## A. Position of the administering Power

36. In a statement in exercise of the right of reply before the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, on 9 October 2013, the representative of the United Kingdom, the administering Power, inter alia, recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory, Gibraltar enjoyed the individual and collective rights accorded by the Charter. The 2006 Gibraltar Constitution provided for a modern and mature relationship between Gibraltar and the United Kingdom, not one based on colonialism. The United Kingdom would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and would not enter into sovereignty negotiations which they opposed.

37. He went on to say that the United Kingdom and Gibraltar wished to continue to take part in the trilateral Forum for Dialogue, which was the most credible, constructive and practical means of strengthening relations between the United Kingdom, Gibraltar and Spain for the benefit of all parties. The United Kingdom regretted that Spain had withdrawn from those talks in 2011. However, following a proposal by the United Kingdom and Gibraltar to Spain in April 2012, his country had noted a constructive move to ad hoc talks with the aim of strengthening cooperation.

38. Furthermore, the United Kingdom denied the allegations that it had illegally occupied the isthmus and the waters surrounding it. Pursuant to the United Nations Convention on the Law of the Sea, territorial waters flowed from sovereignty over the land. When land was ceded, as under the Treaty of Utrecht, sovereignty over the corresponding waters followed. The United Kingdom was therefore assured of its sovereignty over British Gibraltar territorial waters. The United Kingdom would continue to uphold British sovereignty and would use a range of proportionate naval, police and diplomatic responses to incursions and other incidents.

39. In conclusion, he stated that the United Kingdom also denied the allegations concerning the positioning of concrete blocks in the Bay of Gibraltar. Creation of the reef was legal and was part of the Government of Gibraltar's long-term marine environment management plan to improve fish stocks and regenerate habitat. The use of inert concrete blocks to create artificial reefs was consistent with international best practice and, in his view, with Spain's own approach to artificial reefs.

40. In reply to the statement by the representative of Spain at the same meeting, the representative of the United Kingdom reiterated that, under international law, territorial waters flowed from sovereignty over the land. The United Kingdom was therefore assured of its sovereignty over Gibraltar's territorial waters (see A/C.4/68/SR.5).

## B. Position of the territorial Government

41. On 9 October 2013, addressing the Fourth Committee, the Chief Minister of Gibraltar said, inter alia, that, 50 years after Gibraltar's representatives had told the Special Committee on decolonization that their aim was self-government, a status

had been achieved that was self-government, short of independence. If the General Assembly agreed with that statement, then it should remove Gibraltar from the list of Non-Self-Governing Territories, and if it did not, then the Fourth Committee and the Special Committee on decolonization should assist in addressing whatever shortcomings needed to be addressed in the Territory's Constitution.

42. In his view, it was not true that certain colonial situations were special and particular owing to sovereignty disputes, as maintained by Spain, and by Argentina in the case of the Falkland Islands question, which were making a concerted effort to create a doctrine that had no basis in resolutions of the United Nations or customary international law. They did so to avoid the application of the inalienable right of self-determination to the peoples of Gibraltar and the Falkland Islands.

43. The speaker went on to say that, despite the reality of the Gibraltarians as a people wanting nothing other than to be allowed to live without interference, in friendliness with all peoples and in cooperation with their immediate neighbours, in 2013 they had been subjected by Spain to an "unprecedented campaign of incitement to hatred against them, to economic sanctions, physical restrictions at the frontier, police and military invasions of their territorial sea and shots fired against them, and arson and damage directed against their property in Spain". Having rejected the promising trilateral Forum for Dialogue and intending to unravel the agreements reached under it, the current Government of Spain had taken 18 months to accept the proposal of ad hoc contacts to address areas of potential mutual benefit and understanding. The speaker concluded that there could be no negotiated transfer of sovereignty under the Brussels Process because the people of Gibraltar were never going to consent to any such discussion or transfer (see A/C.4/68/SR.5).

## C. Position of the Government of Spain

44. Addressing the General Assembly on 25 September 2013, the Prime Minister of Spain, Mariano Rajoy Brey, stated, among other things, that the Assembly had developed a consolidated, universal legal doctrine on decolonization, which Spain had embraced wholeheartedly. Once again, he had to place before the Assembly the question of Gibraltar, a British colony, which the Organization had included in 1963 in the list of Non-Self-Governing Territories awaiting decolonization, the only such territory in Europe, and one that affected the territorial integrity of Spain. He went on to say that, since that time, the United Kingdom had ignored the mandate of the Assembly and the commitment made to Spain in the 1984 Brussels Declaration. Furthermore, in his view, the prevailing colonial anachronism continued to inconvenience the citizens of Gibraltar and the surrounding area. Resting its case on the legitimacy granted by the universal decolonization doctrine of the Assembly, Spain once again reiterated its call upon the United Kingdom to resume bilateral dialogue and regional cooperation.

45. On 9 October 2013, the Permanent Representative of Spain made a statement before the Fourth Committee stating, inter alia, that the principle of territorial integrity applied to the question of Gibraltar, as the General Assembly had made clear in its relevant resolutions, and that bilateral negotiations between Spain and the United Kingdom must respect that principle. For Spain, the solution was the restitution of both the territory transferred from Spain under the Treaty of Utrecht and the land later occupied illegally by the United Kingdom, in particular the

isthmus and surrounding waters. The interests of the people of Gibraltar must be taken into account and, in the negotiations with Spain, the United Kingdom was responsible for those interests as the administering Power. However, Gibraltar could not be a party to sovereignty talks, and as the United Kingdom had admitted repeatedly, under the Treaty there could be no independence for Gibraltar without the consent of Spain. The principle of self-determination did not apply in the case of Gibraltar.

46. He went on to say that tension between Spain and the colony had worsened since 2012, when the authorities of Gibraltar had terminated the informal 1999 agreement with the Spanish fishermen's associations. In the summer of 2013, concrete blocks had been placed in waters that Spain considered its own, and work had continued on a wharf on the eastern side of the Rock, expanding the Territory. In the speaker's view, it was the British desire to artificially create a new reality on the ground that was behind all such problems.

47. For its part, Spain was willing to maintain good relations with the United Kingdom in accordance with international law and established doctrine. Spain did not accept the trilateral Forum for Dialogue, which had become a tool for advancing Gibraltar's claim to sovereignty, but viewed the British proposal of an ad hoc dialogue positively, as it could create a framework for greater regional and local cooperation. The speaker concluded by saying that the United Kingdom, a friend and ally, should restart bilateral dialogue on issues of sovereignty, considering the particularities of the case.

48. In exercise of the right of reply to remarks made by the representative of the United Kingdom at the same meeting, the representative of Spain stated that the position of Spain regarding the areas ceded to Great Britain under the Treaty of Utrecht remained unchanged. Spain did not acknowledge that the United Kingdom had any rights to the land, air and sea not included in article 10 of the Treaty, under which only the city and castle of Gibraltar, its port, defences and fortresses, had been ceded. He went on to say that the isthmus had not been ceded by Spain to the United Kingdom under the Treaty of Utrecht and had always been under Spanish sovereignty. Continued occupation by the British did not meet the requirements of international law for the acquisition of sovereignty. Spain therefore understood that the occupation of the isthmus was illegal and ran counter to international law. Furthermore, he said that his Government did not share at all the interpretation made by the representative of the United Kingdom about the application of the United Nations Convention on the Law of the Sea to the waters surrounding Gibraltar (see A/C.4/68/SR.5).

## D. Negotiations between the United Kingdom and Spain

49. Within the framework of the Brussels Process, which is separate from the Forum for Dialogue, no bilateral negotiations were held in 2013. The United Kingdom has made it clear that no sovereignty-related talks can be entered into without the consent of Gibraltar, nor can it enter into a process of sovereignty negotiations with which Gibraltar is not content.

50. For its part, the Government of Spain continued to demand the renewal of bilateral sovereignty talks with the Government of the United Kingdom. It considers that the position of the United Kingdom goes against the doctrine established in the

relevant General Assembly resolutions and against the commitment made with Spain in the Brussels Declaration of 1984.

### E. Discussions between the United Kingdom and Gibraltar

51. The Governments of the United Kingdom and Gibraltar have both recognized that the current Constitution provides for a modern and mature constitutional relationship between the two sides, one which is not based on colonialism. Both Governments believe that the delisting and decolonization criteria of the United Nations are anachronistic, and recognize that, under Article 73 *e* of the Charter, the United Kingdom is obliged to continue to submit annual reports until such time as the General Assembly removes a Territory from its list of Non-Self-Governing Territories.

## VIII. Consideration by the United Nations

### A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

52. A representative of Spain attended the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 28 to 30 May 2013, and made a statement, as did a representative of Gibraltar (see A/68/23).

53. The Special Committee, which discussed the question of Gibraltar in a meeting held on 12 June 2013, had before it the 2013 working paper prepared by the Secretariat concerning the Territory (A/AC.109/2013/15). As reflected in the summary record of the meeting (A/AC.109/2013/SR.4), statements were made by the representative of Spain, the Chief Minister of Gibraltar and a civil society organization. On the proposal of the Chair, the Committee decided to resume the consideration of the question at its next session and to transmit the relevant documentation to the General Assembly in order to facilitate the consideration of the question by the Fourth Committee.

### B. Special Political and Decolonization Committee (Fourth Committee)

54. The Fourth Committee of the General Assembly considered the question of Gibraltar on 9 October 2013. As reflected in the summary record of the meeting (see A/C.4/68/SR.5), the Committee heard a statement by the Chief Minister of Gibraltar. At the same meeting, statements were made by Spain and, in exercise of the right of reply, the United Kingdom, who referred to the statement made by the representative of Spain.

55. On 11 October 2013, the representative of the United Kingdom stated, among other things, that his country would, despite recent increased pressure on Gibraltar from Spain, continue to respect the wishes of the people of Gibraltar in all matters,

including ad hoc talks involving the United Kingdom, Spain and Gibraltar (see A/C.4/68/SR.7).

56. On 14 October 2013, Spain made a statement in exercise of the right of reply, indicating that the current situation in Gibraltar was the result of the local authorities' confrontational approach to regional cooperation. They had blocked Spanish fishing by dumping concrete blocks and not kept their commitments in counter-smuggling efforts, forcing Spain to step up its own security in the region, pursuant to domestic and European legislation. However, his Government was willing to continue discussing the terms of ad hoc meetings between Spain and the United Kingdom, with the participation of local and regional authorities from both sides of the line, to re-establish regional cooperation. Regarding sovereignty over Gibraltar, the United Nations mandate was very clear: the United Kingdom and Spain should negotiate. Any colonial situation that partially or totally destroyed the national unity and territorial integrity of any country was incompatible with the purposes and principles of the Charter (see A/C.4/68/SR.8).

57. At its meeting on 25 October 2013, the Fourth Committee adopted without a vote a draft decision on the question of Gibraltar (A/C.4/68/L.6), which was submitted by the Chair of the Committee (see A/C.4/68/SR.14).

58. In a letter dated 10 October 2013 addressed to the Chair of the Fourth Committee, the Permanent Representative of Spain firmly rejected the statements made the previous day by the Chief Minister of Gibraltar during his address to the Fourth Committee as "unacceptable because they contained flagrant falsehoods and serious insults against the Spanish people, authorities and media" (A/C.4/68/7).

## C. Action by the General Assembly

59. On 11 December 2013, the General Assembly, on the recommendation of the Fourth Committee, adopted, without a vote, decision 68/523 on the question of Gibraltar. The decision reads as follows:

> The General Assembly, recalling its decision 67/530 of 18 December 2012:
>
> (a) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;
>
> (b) Takes note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue on Gibraltar;
>
> (c) Takes note of the position of Spain that the Forum does not exist any longer and should be replaced with a new mechanism for local cooperation in the interest of social well-being and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar are represented;
>
> (d) Takes note of efforts made by both parties to resolve current problems and to engage in a flexible and responsive form of dialogue between all relevant and appropriate parties, on an informal ad hoc basis, in order to find common solutions and make progress on issues of mutual benefit.